

REMARKS

The Office Action dated November 24, 2009, has been carefully reviewed and the following remarks are made in consequence thereof.

Claims 1-11, 13-16, and 18-30 are now pending in this application. Claims 1-11, 13-16, and 18-30 stand rejected.

Applicants and the undersigned wish to thank Examiner Nguyen for the courtesies she extended in a telephone interview with Kevin Jones and Lucas Wenthe that occurred on January 6, 2010. During the interview, the rejection according to 35 U.S.C. § 112 was discussed. An agreement was reached that the claims were not indefinite. This response is made in consequence of the January 6 telephone interview.

The rejection of Claims 1-11, 13-16, and 18-30 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention is respectfully traversed.

Applicants traverse Examiner's assertion at page 3 of the Office Action that the claims are "incomplete for omitting essential structural cooperative relationships of elements." The Office Action states that the omitted relationships are "'a database located within a web server' in line 6, and 'a web server located within a web server' in line 8." Applicants respectfully submit that the claims have not been considered as a whole. Specifically, line 6 of the claims provides for "a database located within a *web server and database module*," as well as line 8 providing for "a web server located within *said web server and database module*." Moreover, Applicants submit that the specification provides a standard for ascertaining the requisite degree and that one of ordinary skill in the art would be reasonably apprised of the invention. Specifically, paragraph [0028], for example, recites that a "web and file transfer subsystem includes [a] database [and] web server."

For at least the reasons set forth above, Applicants respectfully request the Section 112 rejection of Claims 1-11, 13-16, and 18-30 be withdrawn.

The rejection of Claims 1-11, 13-16, and 18-30 under 35 U.S.C. § 102(e) as being unpatentable over Collier et al. (U.S. Patent No. 7,536,475) (hereinafter referred to as "Collier") is respectfully traversed.

35 U.S.C. § 102(e) states:

A person shall be entitled to a patent unless –

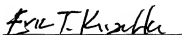
(e) the invention was described in - (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Applicants respectfully submit that Collier is not available as prior art under 35 U.S.C § 102(e). Specifically, the claimed subject matter in both the present application and Collier was, at the time of invention of the claimed subject matter of the present application, commonly owned by GE Fanuc Automation North America of Charlottesville, Virginia, (hereinafter “GE”) and/or subject to an obligation of assignment to GE. Common ownership of both the present application and Collier is evidenced by a recordation of an Assignment of Application No. 10/617,551, the present application, to GE at Reel/Frame 014299/0622, and a recordation of an Assignment of Collier to GE at Reel/Frame 022513/0646. Because Collier and the claimed subject matter of the present application were “at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person,” Collier is not available as prior art under Section 102(e).

For at least the reasons set forth above, Applicants respectfully request that the Section 102(e) rejection of Claims 1-11, 13-16, and 18-30 be withdrawn.

In view of the foregoing remarks, all the claims now active in this application are believed to be in condition for allowance. Favorable action is respectfully solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Eric T. Krischke", is written over a horizontal line.

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